

Application Serial No. 10/573,504

OT-5270

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 1 and 3-8 were pending and were rejected in the Office Action. By way of this Amendment, claim 1 has been amended. Accordingly, claims 1 and 3-8 remain pending for further consideration.

1. Amendment to Claim 1

Claim 1 has been amended to recite that the elevator car previously recited therein includes an "antifall safety device." Support for this amendment is provided on application page 6, lines 1-4. As a result of this amendment, claim 1 more clearly recites a conventional elevator car. In addition, it is respectfully submitted that the drawings of the instant application do not need to include an antifall safety device because such devices are conventional in the elevator art. As such, the antifall safety device is not "necessary for the understanding of the subject matter sought to be patented." See 35 U.S.C. § 113; 37 C.F.R. § 1.81; and M.P.E.P. § 608.02(I).

2. Rejections of Claims 1, 3-9, and 11

The Examiner rejected: (a) claims 1 and 4-8 under 35 U.S.C. § 102(b) as allegedly being anticipated by JP2000-034072 ("Asaeda"); and (b) claim 3 under U.S.C. § 103(a) as allegedly being obvious when considering Asaeda in view of U.S. Patent No. 3,357,582 ("Wittek"). For at least the following reasons, Applicants respectfully traverse the rejections of claims 1 and 3-8 based on Asaeda and Wittek.

As amended herein, claim 1 (*i.e.*, the claim from which claims 3-8 depend) recites a method for mounting a car drive machine to a structure in a hoistway. This method includes, among other possible steps (*italic emphasis added*):

- positioning the drive machine on a support on a top of an elevator car *that includes an antifall safety device*, wherein the vertical height of the support relative to the top of the elevator car is substantially fixed;
- lifting the elevator car, *with the antifall safety device locked*, until the drive machine is slightly above the structure;
- moving the support with the drive machine so as to position the machine immediately above a fixing position;
- lowering the elevator car so as to place and fix the drive machine on the structure; and
- moving the support so as to free the support from the drive machine.

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As hereafter explained both Asaeda standing alone and the combination of Asaeda and Wittek fail to teach or suggest the method recited in claim 1.

In rejecting claim 1, the Examiner analogizes Asaeda's brace-like member 7 to the recited elevator car. However, as the brace-like member 7 in Asaeda clearly lacks the antifall safety device also recited in claim 1, the brace-like member 7 can not properly be analogized to the elevator car recited in claim 1. As Asaeda clearly fails to teach or suggest an elevator car having an antifall safety device, Asaeda can not be used to reject claim 1, or any claim dependent thereon, under 35 U.S.C. § 102(b), regardless of Asaeda's other shortcomings. In addition, as Wittek addresses a horizontally moving fork-lift, which by its very horizontal nature lacks an *antifall* safety device, Wittek can not be analogized to an elevator car and, therefore, can not be used to cure the aforementioned deficiencies of Asaeda.

As the combination of Asaeda and Wittek fails to teach or suggest each of the limitations of claim 1, the references, standing alone or combined, can not be used to reject claim 1, or any claim dependent thereon, under 35 U.S.C. §§ 102(b), 103(a). Moreover, as claims 3-8 depend from claim 1, each of these dependent claims is also allowable over Asaeda and Wittek, without regard to the other patentable limitations recited therein. Accordingly, a withdrawal of the various rejections of claims 1 and 3-8 under 35 U.S.C. §§ 102(b), 103(a) is both warranted and earnestly solicited.

3. Conclusion

In light of the foregoing, claims 1 and 3-8 in condition for allowance. If the Examiner believes that a telephone conference will be useful to move this case forward toward issue, Applicants' undersigned representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

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